

FILED

MAR 16 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

Attachment A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

Lazaro Quinones-Cedeno

Plaintiff.

Your full name

**FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)**

v.

Civil Action No.: ~~5:20-cv-00030~~

(To be assigned by the Clerk of Court)

M.B. Antonelli. Complex Warden.

Defendant.

Paul Adams. F.C.I. Warden

Defendant.

E. Garcia FCI Associate Warden.

Enter above the full name of defendant(s) in this action

5:20 CV 50
Bailey
Mazzone
Blalock

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Quinones-Cedeno. Inmate No.: 06288-000
Address: F.C.I. Hazelton
P.O. Box 5000 Bruceton Mills. WV. 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

Attachment A

B. Name of Defendant: M.B. Antonelli.
Position: Federal Correction Complex Warden.
Place of Employment: U.S. Penitentiary.
Address: 1640 Sky View. Drive.
Bruceton Mills, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He's the warden.
Abuse of Power and Authority. Obstruction of Justice, Violation
of my FIFTH AMENDMENT DUE PROCESS RIGHTS and retaliatory prison
transfer. Allowing unprofessional conduct by his staff toward me.

B.1 Name of Defendant: Paul Adams
Position: Warden.
Place of Employment: F.C.I. Hazelton.
Address: 1640 Sky View. Drive
Bruceton Mills, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: FCI Warden. He is aware
of all the facts mentioned in V.STATEMENT OF CLAIM and has
failed to take corrective action.

B.2 Name of Defendant: E. Garcia.
Position: Associate Warden. F.C.
Place of Employment: F.C.I. Hazelton.
Address: 1640 Sky View. Drive.
Bruceton Mills, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: He's Associate Warden.
He is pulling and pushing behind the scenes. He circles of
influence seem to affect me in a negative manner and other areas
as well, suffering monetary loss, mental and emotional distress,
aggravation, annoyance and inconvenience loss of standing in the
facility due to staff officials and other damages, toward me,
including threatening to put me in the (SHU) to get away with exposures.

B.3 Name of Defendant: _____
Position: _____
Place of Employment: "Not-Applicable."
Address: _____

Was this Defendant acting under the authority or color of federal state
law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

"Not Applicable."

B.4 Name of Defendant: _____
Position: _____
Place of Employment: "Not-Applicable."
Address: _____

Was this Defendant acting under the authority or color of federal state
law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

"Not-Applicable."

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B.5 Name of Defendant: _____
Position: _____
Place of Employment: "Not-Applicable."
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

"Not-Applicable."

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: Federal Correctional Institution Hazelton.

A. Is this where the events concerning your complaint took place?
☐ Yes ☒ No

If you answered "NO," where did the events occur?

It started in FCI Williamsburg, SC. and spread to FCI McDowell, WV. and FCI Hazelton, WV.

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☒ Yes ☐ No

D. If your answer is "NO," explain why not: _____

Not-Applicable.

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

Attachment A

and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 _____

LEVEL 2 ID. 939314-R3 Rpt. No. 3106180 Code, 307 from 03/29/ 2018.

LEVEL 3 ID. 918649-A1 Rpt. No. 3039907 Code 312, Form 10/02/ 2017.

IV. **PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☒ Yes ☐ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): Lazaro Quinones-Cedeno.

Defendant(s): Barbara Rickard. Warden Roldan Randan Lt. SIS.

2. Court: U.S. District Court of WV. Bluefield Division.
(If federal court, name the district; if state court, name the county)

3. Case Number: 1:19-cv-00064

4. Basic Claim Made/Issues Raised: Neglect by Harsh Abuse of Power and Authority. Obstruction of Justice, violation of my Fifth Amendment Due Process Rights and a Retaliatory Prisons Transfer. Unprofessional conduct from staff.

5. Name of Judge(s) to whom case was assigned:
Omar J. Aboulhosn. Magistrate Judge. David A. Faber,
District Judge.

6. Disposition: Pending.
(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: January 25, 2019

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDY.

Quinones-Cedeno v. Antonelli; Civil Action No. 5:20-cv-00030
Plaintiff, Defendant,

Neglect by Harsh Abuse of Power and Authority. Obstruction of Justice, Violation of my Fifth Amendment Due Process Rights and a retaliatory Prison Transfer. Allowing unprofessional misconduct by staff toward Plaintiff.

Court: U.S. District Court for the Northern District of West Virginia.
Name of Judge(s) to whom case was assigned:

None Yet.

Disposition: Pending.

Aproximate date of filing lawsuit. February 02, 2020

Quinones-Cedeno v. Bluemling; Civil Action No. 1:20-cv-00027
Plaintiff, Defendant,

Plaitiff has suffered mental and emotional distree, aggravation, annoyance and inconvenience and other damages toward him, loss of standing in the Education Department doing his legal work due to Education Specialist Ms. M. Bluemling and other staff.

Court: U.S. District Court for the Northern District of West Virginia.
Name of Judge(s) to whom case was assigned;

None Yet.

Disposition: Pending.

Aproximate date of filing lawsuit. February 02, 2020

Quinones-Cedeno v. Healey; Civil Action No. 1:20-cv-00031
Planitiff, Defendant,

Mistreatment and Discrimination. Plaintiff was merely subjected to cruel and unusual punishment because staff, acting outside of their function in the kitchen (allowing inmates to instructing them what to do) chose to fire Plaintiff because they need to discredit Plaintiff to get foreman cook Healey and Handlin removed from the facility. Inmates along with staff needed to get Plaintiff out of the kitchen detail. Compound officer R. Reckard, in conjunction with foreman cook T. Thorne, were returning Plaintiff from the kitchen in retaliation for this attached letter Plaintiff wrote to U.S. President, in the past and Plaintiff allowed compound officer R. Reckard to read it. (Attached)

Court: U.S. District for the Northern District of West Virginia.

Name of Judge(s) to whom case was assigned:

None Yet.

Disposition: Pending.

Approximate date of filing lawsuit. February 02, 2020

The Court erroneously misconstrued Plaintiff's Declaration (Documents No. 58-61) in an attempt to initiate four new Civil Action pursuant to Bivens v. Six unknown Federal agents of Federal Bureau of Narcotics. The Declarations were attempt on behalf of Plaintiff to state to the Court the Obstruction of Justice and Abuse of Power that staff in F.C.I. McDowell, WV., and staff at F.C.I. Hazelton, WV., are conducting in order to interfere with Plaintiff's Legal Process.

Quinones-Cedeno v. Resh; Civil Action No. 3:20-cv-00027

Plaintiff. Defendant.

Cruel and unusual treatment and deliverancete indifference (standard) of Eighth Amendment. Medical needs of Plaintiff health by (Supervisor liability, "obduratly." "wantonly," or "with deliverate indifference." A sufficiently serious deprivation occurred by prison official's by act or omission...result[s] in the denial of the civilized measure of life's necessities.

Court: U.S. District Court for the Northern District of West Virginia.

Name of Judge(s) to whom the case was assigned:

None Yet.

Disposition: Pending.

Approximate date of filing lawsuit. February 02, 2020

The Court erreously misconstrued Plaintiff's Declarations (Documents No. 58-61) in an attempt to initiate four new Civil Action pursuant to Bivens v. Six unknown Federal Agents of Federal Bureau of Narcotics. The Declarations were attempt on behalf of Plaintiff to state to the Court the Obstruction of Justice and Abuse of Power that staff at F.C.I. McDowell, WV., and staff at F.C.I. Hazelton, WV., are conducting in order to interfere with Plaintiff's Legal Process.

From: LAZARO QUINONES-CEDENO. 06288-000
F.C.I. Williamsburg
P.O. Box 340
Salters, South Carolina. 29590

To: DONALD J. TRUMP. U.S. President,
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

September 28, 2017

Dear Mr. President,

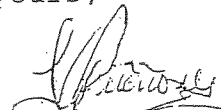
By way of introduction. As for Associate Warden Ms. V. MOSER, I've heard of her dreams for succeed in the Bureau of Prisons. She has done everything to earn the respect of her staff and inmates in these prisons. I like her brightness, her energy, her vitality. And I like her guts. I think she has bigger balls than any candidate for a higher position. She's not afraid to piss people off. She's not afraid to do the right thing in order to keep this facility moving forward. She's the epitome of strong intelligent and a hard working woman. She will stop the abuse to protect the B.O.P.'s reputation. I respect her. Especially as a woman. It will be much harder for her that it is for any other person to sterr a facility. It takes a lot of balls but, she will do the job. I tthink a woman warden would be strong figure, and I think she would be more empathetic warden. It has nothing to do with her being a woman. It has everything to do with who she is.

Regardless, ~~of~~ her future work goals, she has spelled them out for this facility and others facilities around tne states. She's an outstanding person and an excellent Associate Warden and knows how to lead her staff in a positive direction. She's very concern in the FBOP quest for continuous staff improvement. She has becomes a person we consider to be quite reasonable, quite intelligent, might even enlightened in regard of her tremendous dedication and desire to be promoted to a higher position in the Bureau of Prisons.

With all these beautiful qualities Ms. V. MOSER, is worthy to be promoted by the President of the United States to a higher position in the Bureau of Prisons.

In awaiting of your prompt response, I remain. Thanks.

Respectfully yours,



Attachment A

8. Approximate date of disposition. Attach Copies: Pending.
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?
☒ Yes ☐ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.
Level III, ID. No. 918649-A1, Exhausted, Incident Rpt. No. 3039907,
Code 312 from October 02, 2017. Exhausted May 23, 2018. in C.O.
Level II ID. 939314-R3. Incident Rpt. No. 3106188, Code 307
from 03/29/ 2018. Unanswered by S.E.R.O. in Atlanta, Ga.
- E. Did you exhaust available administrative remedies?
☒ Yes ☐ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.
ID. 918649-A1 was exhausted by Central Office on 05/23/2018. Proof of
exhaustion in Civil Docket Case No. 1:19-cv-00064, 03/29/19, Bluefield division.
WV./ ID. 939314-R3. None. The usual run-around type of treatment. It
was never responded by S.E.R.O. in Atlanta, Ga. Because of this
remedies I was hit with a retaliatory prisons transfer by S.E.R.O.
Director J.A. Keller and FCC Warden M.B. Antonelli. (See attaches)
- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

1. Parties to previous lawsuit:

Attachment A

Plaintiff(s): Not-Applicable.Defendant(s): Not-Applicable.

2. Name and location of court and case number:

Not-Applicable.

3. Grounds for dismissal:
- ☐
- frivolous
- ☐
- malicious
-
- ☐
- failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit:
- Not-Applicable.

5. Approximate date of disposition:
- Not-Applicable.

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: M.B. Antonelli. FCC Complex Warden in Hazelton, WV.(See Attachment.)

Supporting Facts: _____

Attachment A-1.

V. STATEMENT OF CLAIM.

CLAIM 1. M.B. Antonelli, Complex Warden,

Obstruction of Justice is an impeachable offence and can face serious consequences based in violation of my Fifth Amendment Due Process Rights. It is a classic high crime. Federal Criminal law is expensive on the topic. It punishes anyone who corruptly or by threats of force, retaliation, influence, obstruct, impede the Due Process Rights. This is excellent claim based upon the FIFTH AMENDMENT OF THE CONSTITUTION.

Supporting Facts:

On March 29, 2018, I was falsely accused of threatening Another With Bodily/Harm/ Refusing to Obey an Order of Any Staff. Incident Rpt. No. 939314-R2.

Due to this remedies ID. 918649-A1, exhausted on 05/23/ 2018 and ID. 939314-R2, from 04/04/ 2018, which was never exhausted by S.E.R.O. Director in Atlanta, Ga. J.A. Keller, and FCC Complex Warden in Hazelton WV. M.B. Antonelli. I was hit with a retaliatory prison transfer which triggered on 05/18/ 2018. I was transferred from F.C.I. Williamsburg, SC. to Oklahoma Detention Center, OK., to F.C.I. McDowell, WV., where I filed Civil Action No. 1:19-cv-00064, Jan. 25, 2019. By the way you can find documents concerning to Remedy ID. 918649-A1, Incident Rpt. No. 3039907, Code 307 from October 02, 2017, in the Civil Docket record from the first Amended complaint dated March 03, 2019. (Attachment #1, Exhibit in support (MK.)

F.C.I. Williamsburg, SC. Warden and now FCC Complex Warden in Hazelton, WV., M.B. Antonelli, in conjunction with J.A. Keller, S.E.R.O. Director in Atlanta, Ga., authorized this transfer and then destroyed the documents. I was denied procedural Due Process uncorrected by S.E.R.O. Director J.A. Keller and FCC Complex Warden in Hazelton M.B. Antonelli, by holding, destroying and confiscating my appeal documents. Also, illegally seized my GCT, given 30 days DS. and 6 months LP phone. This action no justify exposures a lot worse this retaliatory prison transfer, to get away with Remedy ID. 939314-R2.

Attachment A

CLAIM 2: _____

Paul Adams. F.C.I. Hazelton Warden

_____. (See Attachment.)

Supporting Facts: _____

CLAIM 3: _____

E. Garcia. F.C.I. Hazelton Associate Warden.
_____. (See Attachment.)

Supporting Facts: _____

CLAIM 4: _____

Not-Applicable.

Supporting Facts: _____

V. STATEMENT CLAIM: Paul Adams. Warden, Attachment A 2.

Neglect, by Harsh Abuse of Power and Authority, Obstruction of Justice, violation of my FIFTH AMENDMENT DUE PROCESS RIGHTS AND RETALIATION.

The first Amendment prohibit jail prison officials from retaliating against inmates who report complaints file grievance, or file lawsuit. This way of retaliation offends the Constitution and threatens to inhibit exercise our protect rights.

SUPPORTING FACTS:

Warden Paul Adams, is aware of all the facts mentioned in V. Statement Claim and has failed to take corrective action in this unprofessional conduct by staff under his authority.

V. STATEMENT.CLAIM.

E. Garcia. Associate Warden.

Attachment A-3.

Associate Warden E. Garcia, F.C.I. Warden Paul Adams and FCC Complex Warden M.B. Antonelli, and other unknown (FBOP) staff have conspired to violate my rights under the Constitution's Amendment.

SUPPORTING FACTS:

I'm caught in the crossfire of a ~~racial conflict between two opposing position~~ against one faction within the rank of file of staff. The understanding that seems to be in everybody's mind that ~~know~~ my situation (staff & inmates) is that it is the work of Paul Adams, E. Garcia and M.B. Antonelli, pulling and pushing behind the scene. Their circles of influence seem to affect me in a negative manner and other area as well.

Case point I get not respect or assistance from Medical Clinic. I'm not getting adequate medical care in regard to my concern. I'm at high risk of health. I'm treated with cruel and unusual treatment as the nurse Ms. Jennifer Resh, acting outside of her position and responsibility refused to give me medication being an indigent inmate.

To the extent, I will not allow myself to be used for any kind of corruption to support any fraudulent act that will put the integrity and reputation of the (FBOP) at risk.

The rise of a lower leader who is not as experience in an administration would lead this facility to repeat past mistakes.

Attachment A

CLAIM 5: _____

Non-Applicable.

Supporting Facts: _____

Non-Applicable.

VI. INJURY

Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

Suffering monetary loss, mental and emotional distress, aggravation,
annoyance and inconvenience loss of standing in the facility due to staff
officials and a higher risk of heart damages due to distress and other
damages. (Read enclosed Mon-Health Medical Center's report.) (NM Cardilite
Stress test performed Jan. 10, 2020.)

VII. RELIEF

State **BRIEFLY and EXACTLY** what you want the Court to do for you. *Make no legal arguments. Cite no cases or statutes.*

In conclusion I'm seeking to have Administrative Remedies ID. 918649-A1
and ID. 939314-R2, process reinstated or perhaps expunged from my
record. A better Medical Care concerning to my Health condition.

I'm humbly requesting that M.B. Antonelli, Paul Adams and E. Garcia, to be
terminated from the Bureau of Prisons or removed from this Federal Complex,
for Abuse of Power and Authority and Obstruction of Justice.

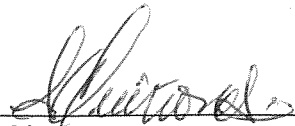
P.S: Please, assure that no retaliatory action is taken against me by
M.B. Antonelli, Paul Adams and E. Garcia,, for filing this complaints. Thanks.

Attachment A

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at F.C.I. Hazelton on March 10, 2020.
(Location) (Date)



Your Signature